

## **REMARKS**

Claims 1-16, 18, and 19 are presently pending in the application.

**At the outset, Applicants respectfully request that the Examiner acknowledge receipt of the certified copy of the priority document, DE 19935083.5, received by the Patent Office on April 5, 2002 with Applicant's Transmittal of Missing Parts of Application. Although this document was discussed by the Examiner in the prior Office Action in reference to an objection to the Declaration, the cover sheet of the present Office Action does not reflect receipt of the priority document.**

The Examiner has maintained the objection to the specification and the rejection of the claims under 35 U.S.C. §112. While not agreeing with these objections and rejections, the specification and claims have been amended as suggested by the Examiner as follows to expedite the prosecution of the application.

Paragraph [0027] of the specification has been amended to change "Optigel" to "OPTIGEL" in response to the Examiner's objection. Reconsideration and withdrawal of the objection are respectfully requested.

Claim 1 has been amended to recite that the cleaning agent comprises a thickening agent, which is supported in the specification at least in paragraph [0027]. Accordingly, claim 17 has been canceled and the thickening agent has been deleted from the Markush group in claim 13. Claims 1, 2, 4, 5, and 15 have been amended to delete the term "about" in the phrases "less than about," "at least about," and "not more than about," and claims 8 and 9 have been amended to delete the term "predominantly" from "predominantly present." As these amendments were suggested by the Examiner, Applicants submit that they overcome the Examiner's 35 U.S.C. § 112, second paragraph rejection of these claims. Finally, claim 3

has been amended to change “comprises substantially entirely” to “consists essentially of,” which is supported in the specification at least in [0023]. Applicants respectfully submit that since claim 3 recites that the abrasive agent consists essentially of organic material, this amendment overcomes the § 112 formal rejection. No new matter has been added by these amendments, and reconsideration and withdrawal of the § 112 rejections are respectfully requested.

*Rejection Under 35 U.S.C. § 102(b) Based on Massaux*

In Paper No. 9, the Examiner has rejected claims 1-19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,849,105 of Massaux *et al.* (“Massaux”) for the reasons set forth in the previous Office Action. Briefly, the Examiner maintains that Massaux discloses a liquid crystal composition for cleaning hard surfaces by applying the composition to the surface. The composition allegedly comprises 1-20% of a cosurfactant, 1-30% of a magnesium salt of an alkyl benzene sulfonate surfactant, 1-20% by weight of an ethoxylated nonionic surfactant, 1-20% by weight of an ethoxylated nonionic surfactant, 0.1-2.5% by weight of an unsaturated fatty acid, 0.2-6% by weight of a perfume and 0.1-10% by weight of an abrasive. Further, Massaux allegedly teaches that the abrasive material is selected from the group consisting of amorphous hydrated silica (i.e., a mineral particulate), polyethylene powder particles, and mixtures thereof, and that the pH of the liquid crystal formulations is 2.5-5.0. Finally, the Examiner argues that the polyethylene powder has a particle size of 200 µm, and that Massaux thus anticipates all of the claims.

In response to Applicant’s previous arguments, the Examiner argues that even if the surfaces disclosed by Massaux were different than the glass ceramic surfaces of the present invention, a different intended use does not render the composition patentable unless there is a

structural difference between the claimed invention and the prior art. Further, the Examiner contends that since Massaux teaches that the abrasive material is selected from the group consisting of amorphous silica, polyethylene powder particles, and mixtures thereof, this would allegedly include a 50/50 mixture of hydrated silica and polyethylene powder particles, and would thus anticipate the claimed “at least about 20% of organic material.” Applicants respectfully traverse this rejection as follows.

The present invention is directed to a cleaner for glass-ceramic surfaces which contains, in addition to an abrasive agent, a thickening agent, such as xanthan gum or organic-modified silicate (see paragraph [0027]). The claimed cleaners are thickened abrasive formulations in which the abrasive is an organic material. In comparison, the compositions of Massaux are completely different in nature. Specifically, Massaux teaches that the liquid crystal compositions preferably contain a magnesium salt, such as magnesium chloride, to form the required liquid crystal structure, and that specific soils may be absorbed from the soiled surface into the liquid crystal. Further, Massaux does not teach or suggest a thickening agent in the compositions as claimed, and thus does not anticipate the claimed invention. Accordingly, Applicants respectfully submit that Massaux does not teach or suggest all of the elements of claims 1-16 or 18-19, and reconsideration and withdrawal of the § 102(b) rejection are respectfully requested.

Based on the above amendments and remarks, it is respectfully submitted that all of the pending claims are in compliance with § 112, patentably distinct from the prior art of record, and in condition for allowance. A Notice of Allowance is respectfully requested.

Respectfully submitted,

**MARION HACKENTHAL, et al.**

July 16, 2003  
(Date)

By:

Sandra M. Katz  
SANDRA M. KATZ

Registration No. 51,864

**AKIN GUMP STRAUSS HAUER & FELD LLP**

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

**Direct Dial: 215-965-1344**

Facsimile: 215-965-1210

WWS/SMK:smk

E-Mail: [skatz@akingump.com](mailto:skatz@akingump.com)